

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed September 27, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Drawings Objections

Figures 4 and 5 have been objected to for various errors. In response to this objection, Figures 4 and 5 have been revised. Included with this Response are replacement sheets for those figures. No new matter has been added.

In view of the above-noted revisions to the drawings, Applicant respectfully submits that the drawings are acceptable and requests that the objections be withdrawn.

II. Specification Objections

The specification has been objected to for containing various informalities. In response to the objections, Applicant has amended the specification in the manner suggested by the Examiner. No new matter has been added.

In view of those amendments, Applicant respectfully submits that the specification is not objectionable, and therefore requests that the objections be withdrawn.

III. Claim Rejections - 35 U.S.C. § 103(a)

A. Claims 1-16

Each of Applicant's claim 1-16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnston, et al. ("Johnston," U.S. Pub. No. 2003/0048487) in view of one or more other references.

Applicant notes that because the Johnston reference issued after Applicant's filing, the Johnston reference can only qualify as prior art as to Applicant's claims under 35 U.S.C. § 102(e). The Johnston reference, however, is not "by another" under 35 U.S.C. § 102(e) because the subject matter of the Johnston reference and Applicant's claimed inventions were owned by the same legal entity (i.e., the Hewlett-Packard Company) or were subject to an obligation of assignment to that the legal entity when the inventions were made. In such a case, the cited reference may not be used against the Applicant's claims under 35 U.S.C. § 103. *See* 35 U.S.C. § 103(c) ("Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.").

In view of the above, Applicant respectfully submits that the rejections of claims 1-16 are improper and requests that the rejection be withdrawn.

B. Claims 17-20

Although the Office Action Summary indicates that claims "1-20" are rejected, the Detailed Action of the Office Action contains no prior art rejection of claims 17-20. It therefore appears that claims 17-20 are deemed to be allowable over the prior art of

record, or a rejection of those claims was erroneously omitted from the Office Action. If the former, Applicant requests that claims 17-20 be explicitly indicated as being allowable in the next Office Action. If the latter, Applicant requests a proper statement of rejection for claims 17-20. Applicant notes that if claims 17-20 are to be rejected under the prior art in the next Office Action, that Action should be non-final given that Applicant has not had a full opportunity to respond to any such rejection.

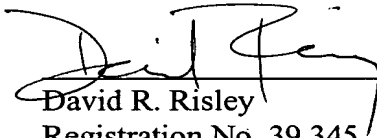
IV. New Claims

As identified above, claims 21-24 have been added into the application through this Response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable.

CONCLUSION

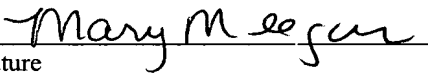
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

11-12-04


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